

## AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-12177 - APPLICANT: MOON VALLEY NURSERY -  
OWNER: AMERICAN GEAR REDUCTION, INC./WYCOFF NEWBERG  
CORPORATION

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to all Minimum Requirements outlined in the "Development Uses" section Town Center Development Standards Manual for Outdoor Storage/Sales use
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-12175) shall be required.
3. This approval shall be subject to a one-year required review, in order for the applicant to demonstrate compliance with the conditions of approval for this site.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
5. Within 2 years of approval of this Special Use Permit by City Council, a required review must be heard by the Planning Commission and City Council in order to ensure that all of the requirements for this Special Use Permit and Site Development Plan Review (SDR-12175) have been met.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This application is a request for a Special Use Permit for proposed outdoor storage/sales within Town Center on 5.22 acres at the northwest corner of US-95 North and Tule Springs Road.

**EXECUTIVE SUMMARY**

The subject site consists primarily of an outdoor storage/sales lot for trees which will be an extension of the nursery located north of the subject site within Clark County. The submitted site plan shows that access will be obtained via an adjacent parcel to the north. The applicant's site plan does not comply with the required perimeter landscape requirements for the proposed use. In addition, the applicant's plans do not show compliance with the minimum street cross section requirements for the Town Center. Denial is recommended due to these insufficiencies.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |   |
|----------|---|
| 02/05/03 | The City Council voted to approve a Petition to Annex (A-0038-02) undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres.  |
| 01/22/04 | The Planning and Development Department approved a request for an Administrative Site Development Plan Review (SDR-3410) for a proposed temporary garden supply facility adjacent to the west side of the intersection of Tule Springs Road and Sunny Springs Lane..                                |
| 05/25/06 | Planning Commission will consider a companion request for a Site Development Plan Review (SDR-12175) for outdoor storage/sales and a waiver of the perimeter landscape requirements on 5.22 acres at the northwest corner of US-95 North and Tule Springs Road accompanies this Special Use Permit. |
| 07/01/05 | Code Enforcement cited the property for non-compliance with conditions set forth in SDR-3410.   |
| 05/04/06 | The Clark County Assessor's office has changed the assessor parcel numbers as of May 4, 2006. The existing parcel numbers, 125-17-802-003 and 125-17-802-009 are now 125-17-802-009 and 125-17-802-011.   |
| 05/25/06 | The Planning Commission recommended approval of companion item SDR-12175 concurrently with this application.  |
| 05/25/06 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #58/ejb).   |

***B) Pre-Application Meeting***

02/17/06 A pre-application conference was held to discuss the submittal requirements for a Site Development Plan Review and Special Use Permit.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 5.22 acres

***B) Existing Land Use***

Subject Property: Tree Growing Yard  
North: Nursery  
South: US95/Baseball Fields  
East: Single Family Residences  
West: US95/Undeveloped

***C) Planned Land Use***

Subject Property: SC-TC (Service Commercial – Town Center)  
North: SC-TC (Service Commercial – Town Center)/Clark County  
South: PF-TC (Public Facilities – Town Center)  
East: MLA-TC (Medium Low Attached – Town Center)  
West: PF-TC (Public Facilities – Town Center)

***D) Existing Zoning***

Subject Property: T-C (Town Center)  
North: T-C (Town Center)  
South: T-C (Town Center)  
East: T-C (Town Center)  
West: T-C (Town Center)

***E) General Plan Compliance***

The subject site is located in the Centennial Hills Sector of the General Plan and is designated T-C (Town Center). The Town Center Development Standards Manual designates this site as SC-TC (Service Commercial). This designation allows a variety of retail, service, and office uses of a more intense commercial character. The T-C (Town Center) zoning complies with the intent of that designation.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	X	
Town Center	X	
<b>Special Overlay District</b>		X
<b>Trails</b>		X
<b>Rural Preservation Overlay District</b>	X	
<b>Development Impact Notification Assessment</b>	X	
<b>Project of Regional Significance</b>	X	

***Town Center***

The subject site is located within the Town Center Plan Area with an SC-TC (Service Commercial – Town Center) special land use designation, which is intended for a variety of low intensity commercial uses.

***Rural Preservation Overlay District***

The project is located in the Rural Preservation Overlay District (RPOD) Buffer Zone. The project is also within 330 feet of US95; therefore the subject site is not required to maintain a rural character.

**INTERAGENCY ISSUES**

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500 feet of Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and there were no pertinent comments received.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

**ANALYSIS**

***A) Zoning Code Compliance***

**A1) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Outdoor Storage/Sales	193,540 SF.	1 space/2,500 GFA	78	4	82	4

The proposed development provides four more regular parking spaces than required. The applicant has also provided six loading spaces in addition to the regular parking requirement.

### ***B) General Analysis and Discussion***

- **Zoning**

The subject site is zoned T-C (Town Center), with a Town Center Plan land use designation of SC-TC (Service Commercial – Town Center). Outdoor Storage/Sales is permitted in the SC-TC District with a Special Use Permit.

- **Use**

Outside storage is defined as the use of a significant portion of a lot or area for the long term retention (more than 24 hours) materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use. The use is permitted with conditions in SC-TC and the applicant meets the conditions listed.

- **Conditions**

Section B(2) of the Town Center Development Standards Manual includes the following conditions for Outdoor Storage/Sales:

#### **33) OUTDOOR STORAGE/SALES**

- Only retail items may be displayed or stored outdoors.
- All outdoor storage areas shall be contained within a definable area and shall be aesthetically screened as determined by the Planning Director.
- Barbed wire, razor ribbon, chain link, etc. are prohibited.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed tree-growing yard is not compatible with surrounding development. Although the use of the site is compatible with the area, the applicant is attempting to develop the site without providing sufficient landscaping and without installing the required Town Center Arterial streetscape as outlined in Figure 2B of the Town Center Development Standards Manual. The parcel could be developed using a site plan that complies with Town Center development standards.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The project as currently designed is not compliant with the Town Center Development Standards by not supplying the required Town Center Arterial streetscape as shown in Figure 2B of the Town Center Development Standards Manual, and by not supplying sufficient parking lot and perimeter landscaping.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site has primary access off of Tule Springs Road, which is a Town Center 80-Foot Arterial Street.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The public health, safety, and general welfare will not be compromise by approval of this project.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 166 by City Clerk

**APPROVALS** 0

**PROTESTS** 1259